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November 2, 2020

Hon. Louis A. Scarcella
United States Bankruptcy Court
Eastern District of New York
Alfonse M. D'Amato Federal Courthouse
290 Federal Plaza
Central Islip, New York 11722

Re: *In re Ilias Bourekas, Ch. 7 Case No. 18-78496-las;*
Thaler v. Rizos et al., Adv. Pro. No. 19-08055-las

Dear Judge Scarcella:

Your Honor appointed me to mediate the disputes in the referenced adversary proceeding, by order dated October 15, 2020 [Adv. Dkt. No. 53]. The order set a deadline for the conclusion of the mediation of November 27, 2020.

After clearing conflicts, on October 19, 2020, I emailed the parties to get the mediation moving, and included disclosure of connections to parties (none) and counsel (some). While none of these connections to counsel give rise to a conflict of interest pursuant to the New York Rules of Professional Conduct, I always ask the parties' counsel whether they or their clients feel uncomfortable if, for instance, I have a professional or social relationship with any counsel involved, and I ask them to indicate whether they have any issue with the connection(s).

I have sent three emails to the parties' counsel about the disclosure and proposed dates for submitting mediation statements and a mediation session, the one on October 19, 2020 mentioned above, a follow-up email on October 22, 2020 and a third one on October 27, 2020. Unfortunately, I have not heard back from one of the parties' counsel about any of these items.

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Given certain professional connections with one of the parties' counsel, and the lack of response to my disclosure from one party's counsel, I would like to respectfully decline my appointment as mediator and request that your Honor amend the mediation order as appropriate.

Respectfully submitted,

/s/ Thomas R. Slome
Thomas R. Slome

TRS/lg

Via Email

cc: Andrew M. Thaler, Esq. (athaler@athalerlaw.com)
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